

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

LYNN DARRELL FONTANE )

BERRY, SR., )

Defendant. )

4:06CR3127

**MEMORANDUM  
AND ORDER**

The defendant has filed or tendered for filing a motion that I construe as seeking a reduction of sentence pursuant to the retroactive amendments to the “crack” Guidelines. The Court has developed procedures to deal with such a motion. Therefore,

IT IS ORDERED:

1. No later than Friday, April 18, 2008, the probation office shall provide the undersigned *and* counsel of record with a “Retroactive Sentencing Worksheet.” If the officer requires additional time, a request may be made to the undersigned by e-mail. My judicial assistant shall provide the Probation Office with a copy of this order.
2. No later than Monday, May 5, 2008, counsel of record shall confer and do one of the following:
  - A. File a stipulation containing the following provisions: (i) an agreement that the defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and U.S.S.G. § 1B1.10; (ii) an agreement that the defendant may be resentenced without being

present and without further notice and (iii) an agreement regarding the recommended sentence.

- B. In lieu of the stipulation provided in paragraph A, counsel for the government shall contact my judicial assistant and arrange a telephone conference with the undersigned and counsel for the defendant so that further progression of this case may be scheduled.

March 5, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge